

PATENT  
0020-4843P

478

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: IKADAI, Hiromi et al. Conf.: 7623  
 Appl. No.: 09/807,459 Group: 1645  
 Filed: June 14, 2001 Examiner: BASKAR, P.  
 For: GENE ENCODING PROTEIN FROM MEROZOITE OF  
 BABESIA CABALLI, RECOMBINANT PROTEIN  
 OBTAINED WITH SAID GENE AND USE THEREOF

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

We, Hiromi IKADAI, Ikuo IGARASHI, Naoyoshi SUZUKI, Hideyuki NAGASAWA, Kozo FUJISAKI and Takeshi MIKAMI, are the inventors of the present application.

We, Hiromi IKADAI, Ikuo IGARASHI, Naoyoshi SUZUKI, Hideyuki NAGASAWA, Kozo FUJISAKI and Takeshi MIKAMI, understand that claims 4-6 and 11 of the present application have been rejected by the Examiner under 35 U.S.C. 102(a) as being anticipated by Ikadi et al. 1998 Accession No.: ABO 17700 or Abstract of 126<sup>th</sup> conference on Japanese Society of Veterinary Science.

Both of these cited references to Ikadai et al. disclose work by the present inventors and list additional authors. However, the additional authors are not inventors of the present invention. All the information and data was prepared under the

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supervision and control of the present inventors and not by the additionally named authors.

Accordingly, with respect to the Abstract of 126<sup>th</sup> conference on Japanese Society of Veterinary Science, the additional authors are non-inventors (Xuan X. and Avarzed A.) Similarly, with respect to Accession No.: ABO 17700, the additional authors are non-inventors (Xuan Z., Tanaka T., Abgaandorjiin A., Inoue N. and Toyoda Y.).

In conclusion, neither of the cited Ikadi et al. references (1998 Accession No.: ABO 17700 or Abstract of 126<sup>th</sup> conference on Japanese Society of Veterinary Science) are "by another". The information and invention disclosed therein represents the invention of the presently named inventors. All of the other authors are non-inventors.

We hereby declare that all statements made herein of own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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July 11, 2003

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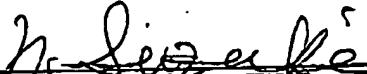
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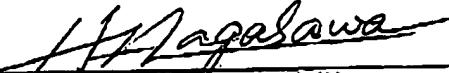
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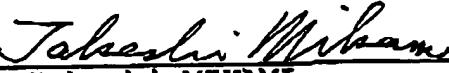
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